

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

JOHN W. McQUEEN,

Plaintiff,

vs.

Civil Action 2:12-CV-166  
Judge Smith  
Magistrate Judge King

T. PYLES, et al.,

Defendants.

ORDER

In the initial screen of the *Complaint* performed on March 1, 2012, the Court granted the defendants "45 days after service of process to respond to the *Complaint*." *Initial Screen of the Complaint*, Doc. No. 9. The record demonstrates that service of process on defendant Pyles was completed on May 15, 2012. *See Return of Service*, Doc. No. 18. *See also Order*, Doc. No. 16. Nine (9) days later, defendant Pyles filed a motion to dismiss. *Motion to Dismiss for Failure to State a Claim*, Doc. No. 20.

Because the motion to dismiss was not untimely filed, plaintiff's motion to strike that motion, Doc. No. 21, is **DENIED**.

s/ Norah McCann King  
Norah McCann King  
United States Magistrate Judge

June 6, 2012  
Date